

Indiana House of Representatives

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FOR IMMEDIATE RELEASE:

March 18, 2005

REP. DENNIE OXLEY'S STATEHOUSE REPORT

INDIANAPOLIS – For all the talk about partisan politics at the Indiana General Assembly, there are many times when we are able to set aside our differences and work toward passing sound legislation.

Over the past week, Indiana House members were able to make compromises on a difficult issue. As a result, we are a step closer to seeing the formal creation of an Inspector General, appointed by the governor, who will ferret out fraud and corruption in state government and be accountable to the people of our state.

There have been many times in the past several weeks when we were not sure if this proposal was going to make it out of the legislative process. All lawmakers supported the idea of an Inspector General, but many were concerned that the position had more power than locally elected prosecutors in pursuing cases.

In the end, both sides agreed that changes should be made. The House majority accepted a series of amendments offered by House Democrats to the Inspector General proposal. With these amendments in place, I feel the Inspector General will be able to do the job that all of us agree needs to be done: respond to public concerns that state officials are abusing the public's trust or engaging in illegal activities.

The Inspector General proposal is now contained in Senate Bill 18, which passed the House by a 98-0 margin. The measure now returns to the Indiana Senate for concurrence with changes made in the House.

Here is how we were able to improve this bill.

In earlier versions of this proposal, the Inspector General was given sole authority in determining whether to proceed with prosecuting a case. That meant the fate of a potential criminal case would have been decided by an appointed official, rather than an elected county prosecutor.

This would have given the executive branch authority in matters normally decided by the judicial branch, which is a clear violation of the separation of powers outlined in the Indiana Constitution. It also provided no accountability to the public, since an appointed official would have the sole authority to proceed with cases.

These were the points of contention that led to most of the public wrangling that took place in recent weeks. However, all parties recognized that something had to be done to keep the issue alive and address those serious constitutional and accountability concerns. Both sides met over several days to come up with a solution, and the result was acceptance of a series of proposals from House Democrats.

Now, once the Inspector General completes the investigation of a complaint, the results will be turned over to a local prosecutor to determine if a case will proceed. In the event that a prosecutor's decision is questioned by either the Inspector General or the governor, the matter will be reviewed by a randomly-selected Indiana Court of Appeals judge.

Another change to the bill will ensure that the Inspector General's records are open to public inspection and that the office is subject to the state's Open Door Law. These provisions also will help to protect the public against further government abuse.

With these changes in place, Senate Bill 18 passed unanimously. The bipartisan effort to fight fraud and corruption in state government has been strengthened. All people want to see clean, open and honest government. The Inspector General

should help us achieve that goal.

The circumstances that led to the House passage of Senate Bill 18 demonstrate that the legislative process works best when all points of view and perspectives are recognized and acknowledged, and everyone keeps an open mind and treats each other with dignity and respect. I am pleased that we were able to get back together and work through our differences.

I believe this can be the example we can follow when other major issues come up for debate in the final weeks of this legislative session.

If you need to talk to me about any of the issues before the Indiana General Assembly, please call me using the toll-free Statehouse telephone number of 1-800-382-9842, e-mail me through my Internet Web site at www.IN.gov/H73 or write to me in care of the Indiana House of Representatives, 200 W. Washington St., Indianapolis, IN 46204.

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